

1 YUNG MING CHOU, ESQ (SBN 172118)
2 39111 Paseo Padre Parkway, Suite 207
3 Fremont, CA 94538
4 Tel.: (510) 713-8698
5 Fax: (510) 713-8690
6 E-Mail; chouyung@aol.com

7 Attorney for Plaintiffs
8 ATECH FLASH TECHNOLOGY INC. & SUNUS SUNTEK INC.

9 UNITED STATES DISTRICT COURT
10 NORTHERN DISTRICT OF CALIFORNIA

11 ATECH FLASH TECHNOLOGY INC. &
12 SUNUS SUNTEK INC.

13 Plaintiff,

14 vs.

15 MARTIN C. LIN, YUSHAN WANG, A.K.A.
16 SAMANTHA WANG., AND IMAGE DEVICE
17 INC.

18 Defendants.

Case No.: C07 02949 PVT

DECLARATION OF LARRY LIANG IN
OPPOSITION TO DEFENDANTS' MOTION
TO DISMISS PLAINTIFFS' COMPLAINT

The Hon. Patricia V. Trumbull

Date: September 4, 2007

Time: 10:00 a.m.

Courtroom: 5

19 I, Larry Liang, declare,

20 1. I am over eighteen years of age. I am the vice president of plaintiffs Atech Flash
21 Technology Inc. ("Atech") and Sunus Suntek Inc. ("Suntek") Both Atech and Suntek are
22 California corporation. I have personal knowledge set forth herein and I would competently
23 testify thereto if called as a witness.

24 2. Suntek and Atech are the affiliated companies and share the same office located at
25 46045 Warm Springs Blvd., Fremont, CA 94539. Suntek engages in the design and
26 manufacturing of computer casing, and Atech engages in the design and manufacturing of card
27 readers with special focus on professional and industrial digital imaging markets and photo kiosk
28 industry.

1 3. I hired Martin Lin and Samantha Wang in 1998 to manage Suntek's branch office in
2 Georgia. At the beginning of their employment with Suntek, I had specifically told them that
3 their employment with Suntek was contingent upon their agreement to maintain confidentiality
4 of all Suntek's proprietary information including, but not limited to, the company's intellectual
5 properties, information about company's customers and vendors, which they agreed.

6 4. When Atech was incorporated in May 2001, I assigned Martin Lin and Samantha
7 Wang to handle all Atech flash sales team while they were still worked at Suntek's Georgia
8 office. In or about August 2005, I relocated Martin Lin and Samantha Wang to Atech in
9 Fremont, California. Martin Lin was assigned to work as Sales Director and managed all Atech's
10 flash card customers and sales team. Samantha Wang was assigned to work as Marketing
11 Manager. I reminded them about their duties of non-disclosure and non-use of all confidential
12 information of Suntek and Atech. Both Martin Lin and Samantha Wang assured to me that would
13 not violate such duties either during or after the termination of their employment with Atech and
14 Suntek.

15 5. Martin Lin's job was the most important one in Atech. In order accommodate them for
16 their jobs in Fremont, California, Atech agreed to pay for the housing and transportation costs for
17 them. I rented an apartment located at 181 Via Aragon, Fremont, CA 94539 for them. A true and
18 correct copy of the aforesaid lease agreement is attached hereto as Exhibit A and made a part
19 hereof. Martin Lin indicated that his relative had a house located at 6416 Myrtlewood Drive,
20 Cupertino, CA available for rent. I then entered into a lease agreement with his relative on
21 September 12, 2005. Martin Lin and Samantha resided there until they resigned from Atech and
22 Suntek on March 31, 2006. A true and correct copy of the said lease agreement is attached hereto
23 as Exhibit B and made a part hereof. Atech had also leased a BMW325i for Martin Lin during
24 his work with Atech.

25 6. While they worked for Atech and Suntek in Fremont, Martin Lin and Samantha were
26 continued paid under the payroll of Suntek. However, Atech had paid them on various other
27 business expenses directly. A true and correct copy of Atech's company check stubs (i) #2517
28 dated 5/12/2005 for \$252.99 reimbursement to Martin Lin and his travel expenses report and (ii)

1 #2655 dated 11/15/2005 for \$925.00 reimbursement to Martin Lin and Samantha Wang's signed
2 receipt are attached hereto as Exhibit C and made a part hereof.

3 7. Martin Lin and Samantha Wang had continuously worked for Atech and Suntek until
4 March 31, 2006. Most of the times, they performed their work for Atech and used Atech's email
5 address for their correspondence and communication. A typical email between Martin Lin and
6 his colleague dated September 9, 2005 showing that Martin Lin was working for Atech and using
7 Atech's email address and office phone number is attached hereto as Exhibit D and made a part
8 hereof. A typical email between Samantha Wang and her colleague dated February 16, 2006
9 showing that Samantha Wang was working for Atech and using Atech's email address and office
10 phone number is attached hereto as Exhibit E and made a part hereof.

11 8. In or about early March 2006, Martin Lin and Samantha Wang tendered their
12 resignations to me. Samantha Wang also sent me a letter by email dated April 2, 2006
13 confirming their resignation from both Atech and Suntek effective on March 31, 2006. A copy of
14 the aforesaid letter is attached hereto as Exhibit F and made a part hereof.

15 9. While I reminded them again about their duties to keep confidential of all companies'
16 proprietary information that they learned during their employment and not to use or exploit the
17 companies' proprietary information without companies' consent, Martin Lin and Samantha
18 Wang assured to me that they intended to go back to Georgia and start a Chinese restaurant
19 business there without any further involvement in hi-tech business.

20 10. Unbeknown to me, Martin Lin and Samantha Wang took the confidential information
21 of Suntek and Atech, set up Image Device, Inc., and started to compete with Atech directly. They
22 have solicited business from Atech's customers by using Atech's confidential customer contact
23 information, and manufactured the competing products by using Atech's card reader product
24 designs and specifications.

25 11. On or about March 30, 2007, I checked Image Device, Inc.'s website at
26 www.imagedevice.com and found out that its headquarter was located at 5339 Prospect Road,
27 #280, San Jose, CA 95129, and its sales contact phone number was (408) 455-3698 and fax
28 number was (408) 257-1169. A true and correct copy of screenshot dated March 30, 2007 from

1 Image Device's website at <http://www.imagedevice.com/Contact.htm> is attached hereto as
2 Exhibit G and made a part hereof. A true and correct copy of the screenshot dated March 30,
3 2007 from Image Device's website at http://www.imagedevice.com/center_products.htm
4 showing its products which are nearly the exact copy of Atech's products are attached hereto as
5 Exhibit H and made a part hereof. After Atech's legal counsel sent a cease and desist letter on
6 April 6, 2007, I rechecked Image Device's website and found out that it had deleted all its
7 California address and contact phone number from its website.

8 12. I have also search Georgia Secretary of State's website on March 30, 2007, and found
9 out that the 2006 Corporation Annual Registration filed by Image Device Inc. with the Georgia
10 Secretary of State showing that Samantha Wang was the sole officer of the corporation and was
11 using 5339 Prospect Road, Suite 280, San Jose, CA 95129 as the corporation's address. A true
12 and correct copy of the Image Device's 2006 Corporation Annual Registration Filing
13 downloaded from the official website of Georgia Secretary of State is attached hereto as Exhibit
14 I and made a part hereof.

15 13. While Atech's normal card readers used by the consumers and end-users can be
16 purchased from those mass merchant retailers identified in Atech's website, such sales only
17 occupied a small percentage of Atech's business. The majority of the income of Atech derives
18 from the sales of Atech's products to the photo kiosk industry, which is a niche and specialty
19 industry that is not generally known to the public.

20 14. Atech and Suntek have spent years in developing such industrial digital imaging
21 markets and photo kiosk customers, and have spent tremendous time and energy in keeping those
22 information in confidential. The access to the industrial digital imaging and photo kiosk
23 customer information is restricted and not open to the public. Access can only be made with
24 Atech's assigned password, which Martin Lin and Samantha Wang are fully aware of when they
25 were employed by Atech and Suntek.

26 I declare under penalty of perjury under the laws of the United States that the foregoing is
27 true and correct.

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1 Dated: August 10, 2007

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Larry Liang

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EXHIBIT A

Fremont Lease for Martin Lin and Samantha Wang

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EXHIBIT B

Cupertino Lease for Martin Lin and Samantha Wang

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EXHIBIT C

Check stubs #2517 dated 5/12/2005 for reimbursement to Martin Lin by Atech and Martin Lin's travel expenses report, and #2655 dated 11/15/2005 for reimbursement of expenses to Martin Lin by Atech and signed receipt by Samantha Wang.

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EXHIBIT D

Martin Lin's email using Atech's email address

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EXHIBIT E

Samantha Wang's email using Atech's email address

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EXHIBIT F

Martin Lin and Samantha Wang's letter to Larry Liang dated April 2, 2006 confirming their
resignation from Atech and Suntek effective on March 31, 2006

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EXHIBIT G

A screenshot of ImageDevice.com dated March 30, 2007 showing its headquarter located at 5339 Prospect Road, #280, San Jose, CA 95129, and its sales contact phone number was (408) 455-3698 and fax number was (408) 257-1169

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EXHIBIT H

A screenshot of ImageDevice.com dated March 30, 2007 showing its products
that are nearly the exact copy of Atech's products

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EXHIBIT I

The 2006 Corporation Annual Registration filed by Image Device Inc. with the Georgia Secretary of State showing Samantha Wang was the officers of the corporation and was using 5339 Prospect Road, Suite 280, San Jose, CA 95129 as the corporation's address